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2863

S&H Form: (10/03)

<b>REPLY/AMENDMENT FEE TRANSMITTAL</b>	Attorney Docket No.	835.1026	
	Application Number	10/018,754	
	Filing Date	December 21, 2001	
	First Named Inventor	Shizuo Sumida, et al.	
	Group Art Unit	2863	
AMOUNT ENCLOSED	0.00	Examiner Name	Tung S. Lau

**FEE CALCULATION (fees effective 10/01/03)**

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	24	- 24 =	0	X \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	- 4 =	0	X \$ 86.00 =	0.00

Since an Official Action set an original due date of June 18, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$420); 3 months (\$950); 4 months (\$1,480); 5 months (\$2,010)):

If Notice of Appeal is enclosed, add (\$330.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations = \$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

**TOTAL FEES DUE = \$ 0.00**

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

**METHOD OF PAYMENT**

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

**GENERAL AUTHORIZATION**

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No. 19-3935

Deposit Account Name STAAS & HALSEY LLP

- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

**SUBMITTED BY: STAAS & HALSEY LLP**

Typed Name	Howard I. Levy	Reg. No.	55,378
Signature		Date	June 18, 2004



Docket No.: 835.1026

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Shizuo Sumida, et al.

Serial No. 10/018,754

Group Art Unit: 2863

Confirmation No. 2810

Filed: December 21, 2001

Examiner: Tung S. Lau

For: CHARACTERISTIC VALUE IDENTIFICATION METHOD AND APPARATUS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed May 18, 2004, having a shortened period for response set to expire on June 18, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect 1-23 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group I is concerned, it is believed that claims 1-23 are so closely related to elected claim 24 that they should remain in the same application. The elected claims 1-23 are directed to characteristic value identification methods and apparatuses including a recitation of a "product part" and claim 24 is drawn to value identification method including a recitation of a "mechanical part." There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both product parts and mechanical parts in the same field of technology. While it is noted that the Examiner has identified different classifications for the claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject

matter recited by the Group II claim 24 by filing a divisional application.

MPEP § 803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claim 24 to be a separate invention from claims 1-23, the Applicants respectfully request the Examiner to consider claims 1-23 (Group I) and 24 (Group II) together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group II claim (claim 24) and elected claims 1-23 are directed to characteristic value identification methods and apparatuses, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

By: 

Howard I. Levy  
Registration No. 55,378

Date: June 18, 2004

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